

# Exhibit A

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**From:** Samuel Nitze  
**Sent:** Wednesday, September 6, 2023 4:14 PM  
**To:** Dina.McLeod@usdoj.gov; Micah.Ferguson@usdoj.gov  
**Cc:** Alex Spiro; Maaren Shah; JP Kernisan; Sara Clark; Jenny Braun; Steve G. Kobre; Sean S. Buckley; Alexandria Swette; Sydney Johnson; Genna Sinel  
**Subject:** Meet & Confer - privilege and discovery topics

Dina, Micah,

In furtherance of our shared interest in bringing discovery to a close in a thorough, fair, and efficient manner, we ask that you provide answers to the following questions in advance of or during our call on Thursday in addition to providing confirmation of/responses to the points raised in our letter dated Sept. 1, 2023.

Privilege Issues

- You have our request for information about when we can expect to receive additional logs
- To the extent we wish to challenge the withholding of documents identified on JPMC's privilege logs or to seek clarification regarding an assertion of privilege, we think it would be most efficient for us to send our list(s) of challenged documents along with a basis for our challenge (or our request for clarification) to a representative of the bank, copying you, to give the bank an opportunity to revisit or clarify the claim of privilege and potentially avoid the need for Court intervention. We would propose that to the extent you wish to challenge the assertion of privilege as to any documents, you do the same, copying us. If, after this process, disagreements remain as to assertions of privilege, the parties can decide which documents they wish to present for review by the Court at the hearing on the 26<sup>th</sup>. Do you agree to this proposed framework?

Other Discovery Issues

- On what schedule, approximately, should we expect to receive additional productions from JPMC, and what is the anticipated volume of the upcoming productions? Also, please confirm that the upcoming production(s) will include internal bank communications.
- Has JPMC agreed to add our list of additional custodians to the list you provided to us?
- What, specifically, do you understand JPMC's process is for identifying relevant documents for each of the identified custodians? We are not asking for information relating to your "investigative techniques" – rather, we want to ensure that all documents in JPMC's holdings that are material to the preparation of our defense are produced. We cannot make such a determination if we do not understand how JPMC is going about finding relevant materials.
- Relatedly, several documents in the productions to date do not appear on the log but appear to have been redacted. *See, e.g.,* JPMC\_00088609 (Frank Integration Status Report); JPMC\_00000710 (April 2022 BUR Deck); JPMC\_00591923 (June 2022 BUR Deck). Please confirm that these redactions were applied by JPMC and provide your understanding as to whether these redactions were based on privilege, relevance, or some other consideration.

Thank you and best regards,

Sam

**Samuel P. Nitze**  
*Partner*

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